IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3238 OF 2005

Aseem Jamiluddin Momin ...Applicant

V/s

The State of Maharashtra ...Respondent

Shri. V.V.Purwant for the Applicant.
Ms. M.M.Deshmukh for the Respondent.

CORAM: A.S. OKA, J.
DATED: JUNE 13, 2005.

P.C.:

1. Heard counsel appearing for the parties. The offence registered against the Applicant and two others is under sections 489-A, 489-B and 489-C, 420 read with section 34 of the Indian Penal Code. It is not in dispute that investigation has been completed.

2. I have heard the counsel appearing for the parties. The learned counsel for the Applicant submitted that the only material available against the Applicant is the possession of 8 counterfeit notes of denomination of Rs.50/-. He submitted that during the investigation nothing else has been found against the Applicant. Learned A.P.P. for the State submitted

that except the counterfeit notes nothing is recovered from the Applicant. The learned A.P.P. however, pointed out statement of the Accused No.1 recorded in memorandum panchnama prepared under Section 27 of Indian Evidence Act alleging that the Applicant is involved in actual process of preparation of counterfeit notes.

3. I have considered the submissions. I have perused the documents which are furnished for my perusal by learned A.P.P. The said documents show that the recovery of printer and other articles used for preparing counterfeit notes is at the instance of the Accused No.1. In the F.I.R., it is alleged that the Accused No.1 disclosed that at his residence at Osmanabad he is preparing the counterfeit notes by using a computer and colour printer. Statement and supplementary statement of one Akhtarbi who is claiming to be landlady shows that she had letout a room to the Accused No.1 for the purposes of using the same as computer room.

4. Thus, except for few counterfeit notes nothing is found in the custody of the Applicant. Prima facie there is no material against the Applicant that he is participating in actual process of preparing

fabricated currency notes. There is no recovery made at the instance of the Applicant.

5. Investigation is complete and chargesheet has been already filed. Any criminal antecedents of the Applicant are not placed on record. In my view, it is not necessary to continue the detention of the Applicant in custody. Hence, case is made out for grant of bail.

6. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be released on bail subject to filing personal bond in the sum of Rs.20,000/- with two local sureties in the like amount.

ii)The bail is granted subject to condition that the Applicant will not either directly or indirectly make any attempt to influence or pressurise the prosecution witnesses and to destroy the evidence collected by the prosecution.

iii) The Applicant will remain present on the date fixed by the Trial Court. If the learned Trial Judge

finds that the trial is delayed on the account of default on the part of the Applicant, entry to that effect shall be made in the roznama which can be a basis of cancellation of bail.

iv) The application is disposed of in above terms.

v) Parties to act upon an authenticated copy of this order.

JUDGE